

# COMMUNICATIONS ADVISORY COUNSEL LLC

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May 1, 2006

*Via electronic filing*

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SE  
Washington, DC 20554

Re: Cable & Communications Corporation  
CC Docket No. 94-102  
May 1, 2006 Report

Dear Ms. Dortch:

Pursuant to the Commission's *Order*,<sup>1</sup> Cable & Communications Corporation ("C&CC") hereby submits the following report on its progress in achieving the goal of 95% penetration of ALI-capable handsets among its subscribers.

Summary

In its progress report filed herein on March 14, 2006, C&CC reported an ALI-compliant handset penetration rate of 44.8%. As of April 14, 2006, that number had grown to 47%. As described below, C&CC has established interim penetration rate goals to assist it in meeting the long-term 95% penetration rate requirement, and will inform the Commission of its progress in attaining these interim goals in its regularly-scheduled reports.

In accordance with paragraph 21 of the *Order* and its past practices, C&CC continues to coordinate with area PSAPs and other emergency service providers, keeping them apprised of its activities and progress in meeting handset penetration goals. This information is shared formally through serving PSAPs with copies of all FCC filings related to this issue, as well as informally, through occasional telephone conversations and meetings.

In recognition of the remaining condition imposed by paragraph 21 of the *Order*, C&CC reports its plan to remind subscribers regularly that upgrading their analog handsets will enable them to transmit their location information automatically once PSAPs have implemented Phase II E911 capabilities. In addition, C&CC will inform subscribers when Phase I and Phase II requests are received from PSAPs, and will provide regular updates regarding the anticipated implementation dates.

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<sup>1</sup> In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Cable & Communications Corporation Petition for Waiver of Section 20.18(g)(1)(v) of the Commission's Rules, *Order*, FCC 06-39 (rel. Mar. 23, 2006) ("*Order*"). The *Order* granted Cable & Communications Corporation ("C&CC") an extension of 18 months after its release to meet the requirement of Section 20.18(g)(1)(v) that 95% of the handsets used by its subscribers be location-capable, subject to specific conditions and reporting requirements. The instant report is the first required under the *Order*.

**Report**

Pursuant to paragraph 22 of the *Order*, C&CC provides the following information:

- (1) **The number and status of Phase II requests from PSAPs (including those requests it may consider invalid):**

C&CC has received no Phase I or Phase II request from any PSAP.

- (2) **The estimated dates on which Phase II service will be available to PSAPs served by its network:**

C&CC provides cellular service to a geographic area served by nine (9) different PSAPs in Montana and one in North Dakota. Each PSAP reported a willingness to work with C&CC regarding the timing for implementation of a Phase I or Phase II request. With respect to implementation readiness, the PSAPs reported the following:

<u>PSAP</u>	<u>Anticipated PSAP Implementation Date</u>
Miles City Police Dept	1-2 years before Phase I capabilities available
Glendive Police Dept.	Anticipate implementation of Phase I by year's end, by which time Phase II capabilities may also be available, but PSAP has no current plans to make Phase I or Phase II request of C&CC
Garfield Co. Sheriff	Anticipate implementation of Phase I by year's end, with Phase II following closely thereafter, but no current plans to make Phase I or Phase II request of C&CC
Fallon County PSAP Mgr. (serving Fallon, Carter, Prairie, and Wibaux Counties)	Phase I and Phase II capable but no current plans to make Phase I or Phase II request of C&CC
Petroleum Co. Sheriff	Anticipate Phase II capable within six weeks
McCone County Sheriff	Phase I implementation planned for fall, 2006; no current plans regarding implementation of Phase II
Powder River County Sheriff	Phase I implementation planned for year's end; no current estimate regarding Phase II
Richland County Sheriff	Anticipate Phase I and Phase II capable no earlier than mid-2007
Rosebud County Sheriff	Phase I capable and close to Phase II capability
Slope and Bowman Counties, ND	Phase I and Phase II capable



**(3) The status of its coordination efforts with PSAPs for alternative 95% handset penetration dates**

As reported above, all PSAPs have been informed of the extension until September 23, 2007, or eighteen months after the release of the *Order*. All PSAPs have indicated a willingness to work closely with C&CC regarding Phase II implementation schedules.

**(4) Efforts to encourage customers to upgrade to location-capable handsets:**

C&CC continues its two-prong approach to encouraging customer to upgrade their handsets through subscriber education and the provision of subscriber upgrade incentives. C&CC recently concluded a promotional campaign to promote the use of digital signal boosters. Currently, C&CC is running a "spring fever" promotion (copy of advertising attached) which offers a free Motorola V262 phone, free activation and 10% discount on accessory purchase when an existing subscriber extends his contract for two years or when a new subscriber signs a two-year contract.

The attached billing insert, which will be updated to include current information regarding PSAP implementation of Phase I and Phase II capabilities, will be included in each subscriber bill until 95% penetration is achieved. In addition, C&CC will continue its general education campaign, including occasional utilization of its parent company's bi-monthly magazine, as well as utilizing fliers and posters in retail establishments, to educate consumers regarding the benefits of digital upgrades and to inform subscribers of C&CC's build-out progress.

C&CC continues its build-out program with the recent finalization of arrangements for a new site, which will result in a Phase 2 application to add a new service area, as well as improve existing service, in the vicinity of Vida, Montana (the "Vida South" cell site). It is anticipated that this site will be operational by the fourth quarter of 2006.

**(5) Percentage of customers with location-capable phones:**

C&CC reports that 47% of its customers had location-capable phones as of April 14, 2006.

**(6) Status in achieving compliance and whether it is on schedule to meet the revised deadline**

With the *Order's* establishment of a September 23, 2007 deadline for achieving 95% penetration, and in light of its sales experience and history, C&CC has adopted the following interim penetration goals:

August 1, 2006 – 60%

November 1, 2006 – 70%

February 1, 2007 – 82%

May 1, 2007 – 90%

August 1, 2007 – 95%

To achieve these goals, C&CC will continue to design and conduct aggressive marketing campaigns, modifying its approach where experience dictates. Recognizing that the most resistant subscribers will be the last to

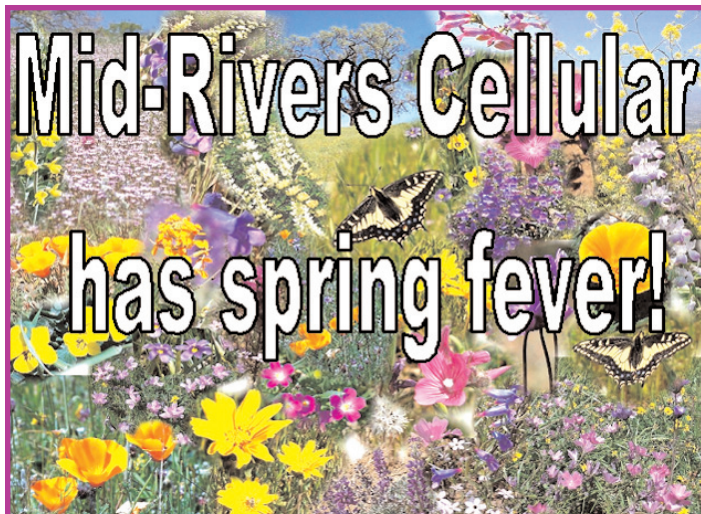
give up their 3-watt analog phones, C&CC will monitor and assess customer response to these marketing campaigns to target incentives appropriately, and is considering conducting another customer survey to further assist in these efforts. In addition, C&CC will continue to work with PSAPs, and anticipates collaborating with certain PSAPs in public education campaigns when Phase II capabilities are introduced.

Please direct any questions or correspondence concerning this matter to this office.

Respectfully submitted,



Sylvia Lesse



Receive a **FREE\*** Motorola V262 flip phone with a new activation or contract extension PLUS **FREE activation** (an additional \$15.00 savings) AND **10% off all accessories**

\* Two-year contract required.  
Promotion ends June 30, 2006.

Call Mid-Rivers Cellular at 1-800-452-2288 or visit your nearest Mid-Rivers Service Center.

Turn this over for more information about Mid-Rivers Cellular.

To take advantage of the future implementation of Phase II E-911 automatic location capabilities, you must have a digital cellular phone. If, during an emergency, you are unable to give your location to the PSAPs (911 centers), that information will be sent automatically from a digital cellular phone. Therefore, it is recommended that you procure a digital cellular phone as soon as possible.

## Mid-Rivers Cellular improvements in 2006

Mid-Rivers Cellular will be offering the following new services in the near future:

- **Wireless Data for Cellular Service** – This service will allow customers to use either a cellular phone or a cellular card in a laptop computer to access wireless data through a cellular signal. Plans are

to provide this service to Mid-Rivers Cellular customers in 2006.

- **Text Messaging** – Mid-Rivers Cellular customers will be able to send and receive text messages on their digital cellular telephones with this service. This service will be available in 2006.

- **Over the Air Programming** – This is another cellular service planned for 2006 that will allow Mid-Rivers Cellular to remotely program digital cellular telephones and allow Mid-Rivers Cellular customers the capability to remotely update roaming lists on their digital cell phone.

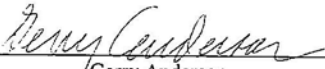
Turn this over for information about Mid-Rivers Cellular's latest digital cell phone promotion.

**DECLARATION OF GERRY ANDERSON**

I, Gerry Anderson, General Manager of Cable & Communications Corporation, do hereby declare under penalty of perjury that I have read the foregoing "May 1, 2006 Report" and that the facts stated therein are true and correct, to the best of my knowledge, information and belief.

April 28, 2006

Date

  
Gerry Anderson



## Certificate of Service

I, Sylvia Lesse, of Communications Advisory Counsel, LLC, hereby certify that on this 1<sup>st</sup> day of May, 2006, I caused to be delivered, via first-class US mail, postage prepaid, a copy of the foregoing "May 1, 2006 Report" on the following:

Captain Kevin Krausz  
Miles City Police Dept.  
PSAP for Custer County, Montana  
PSAP for Garfield County, Montana  
2420 Bridge Street  
Miles City MT 59301

Sheriff Kelly Pierson  
Garfield County Sheriff's Office  
PO Box 103  
Jordan MT 59337

Chief Alan Michaels  
Glendive Police Department  
PSAP for Dawson County, Montana  
PO Box 1372  
Glendive MT 59330

Chuck Lee  
PSAP Manager - Fallon County  
PSAP for Fallon, Carter,  
Prairie and Wibaux Co's, MT  
PO Box 1061  
Baker, MT 59313

Sheriff Rusty Jardee  
Carter County Sheriff  
PO Box 323  
Ekalaka MT 59324

Russ Lindblom  
North Dakota 911 Manager  
PO Box 877  
Bismarck, ND 58502-0877

Jeff Cohen\*  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 Twelfth St, SW  
Washington, DC 20554

Michael J. Wilhelm\*  
Chief, Pub.Safety & Critical Infrastruc. Div.  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 Twelfth St., SW  
Washington, DC 20554

\* Via electronic mail

Sheriff William Klunder  
Prairie County Sheriff's Office  
PO Box 126  
Terry MT 59349

Sheriff Darby S. Harrington  
Wibaux County Sheriff's Office  
PO Box 322  
Wibaux MT 59353


Sheriff Dave Harris  
McCone County Sheriff's Office  
PSAP for McCone County, Montana  
905 B Avenue, PO Box 201  
Circle, MT 59215

Sheriff John Blain  
Powder Riv. Co. Sheriff's Office  
PSAP for Powder River Co., MT  
Box 71 Courthouse Square  
Broadus MT 59317

Sheriff Brad Baisch  
Richland County Sheriff's Office  
PSAP for Richland Co., MT  
110 2<sup>nd</sup> Ave NW  
Sidney, MT 59270

Lisa Solf  
Petroleum County PSAP  
PO Box 226  
Winnett, MT 59087

Jim Kenner, IT Dept.  
Rosebud County Sheriff's Office  
Box 85 180 S 13<sup>th</sup> St  
Forsyth, MT 59327

  
Sylvia Lesse